

Dr. James B. Rhoads, Archivist
National Archives
Washington, D.C. 20408

Rt. 12, Frederick, Md. 21701
11/24/76

Dear Dr. Rhoads,

Your letter stamp dated 11/22/76 says it is in response to my letters of 9/28 and 10/19 and 21, 1976.

Throughout you claim exemption (b)(5) "inter-agency or intra-agency memorandum or letter which would not be available by law to a party other than an agency in litigation with the agency."

I believe that the requests on which you invoke this exemption do not qualify for this exemption. It does not cover all inter- and intra-agency records. As you well know, the courts have held against your claim to exemptions with me with fair regularity - totality as I recall to now with one exception. I am appealing this claim and what follows both to you and through channels by a carbon in the hope that you will reconsider, face the embarrassment that is the real reason, and get it overwith. Besides, you have already waived the right to claim this exemption by providing such records.

With regard to your 1., pictures of President Kennedy's clothing, you provide two enclosures, misrepresenting both and ignoring those records you withheld improperly from me for so long that are applicable.

The letter agreement provides for the pictures for which I ask rather than ~~prohibit~~ prohibiting them.

The Regulations were rewritten after I made this request. You have deceptively sent me those that were not applicable at the time of this request. Those that were then applicable are quite explicit in specifying that you must provide me with such pictures.

The records you withheld despite early promises to provide them are clear on the intent of the letter agreement. That, too, says I am entitled to these pictures.

The intent to deceive is clear in the language at the top of page 2 where you pretend that the enclosed regulations are those in effect 10/29/66, the date of the letter agreement. The copy enclosed is dated 3/3/72. I ask for the copy in force 10/29/66 and any and all revisions prior to 3/3/72. These will make clear that the misrepresentation is deliberate.

The real reason you deny these when others are readily available is because these have evidentiary values the official ones were taken to hide and because you did not prevent or report the destruction of some of the most essential evidence in this terrible crime.

2. is a request for the records relating to the withholdings related to the medical/autopsy and scientific tests. In addition to (b)(5) you invoke (b)(6) in what I regard as further and deliberate misrepresentation and in open violation of decisions under the amended Act. There are no such considerations in these records and they are not in any sense personnel records, which have been defined by the courts in a manner making your representations spurious.

Moreover, other agencies maintain public records on such matters and have them available to all. The real reason again is embarrassment. You do not even state whose privacy is allegedly involved. I have not asked for medical or personnel records in this request.

You ask me to specify what is withheld. When I made that request you had not partially complied with it, as you did afterward. However, I do have written assurances from you personally after our dispute when you did not provide the autopsy and medical material when you released some executive session transcripts. At that time you assured me that as such records were released they would be sent me. You have not done this. I am asking for the belated keeping of your word.

Your 3 refusals are in terms of "correspondence with other researchers" when you use this device to twist my request, which relates to investigations of the destruction of evidence. You, for example, wrote me about the unknotting of the tie. I want any records relating to what you, not some other researcher, did to get to the bottom of this. If you did nothing I'd not be surprised. But there is no (b)(6) exemption possible here and I have already challenged and appealed your citation of (b)(5).

Your stock offer of access in your reading room would not mean anything to an American in Alaska or Hawaii and as you know means nothing to me because of the medical and physical limitations with which I must conform. Unless there is a great volume of records relating to the destruction and replacement of these records please just send me xeroxes. I am enclosing a check for \$100 to add to my deposit account.

4. also I appeal. My prior experience provides no basis for confidence that these exemptions are invoked properly. There is no case in which I have obtained anything previously withheld under them when the withholding was justified or the claim to exemption with any basis in fact.

Whether or not the exemptions are or even can be applicable, it is obvious that with regard to privacy claims the masking of the name is all that is needed to preserve privacy in correspondence in which my only interest, ~~xxx~~ specifically ~~xxx~~ stated, has to do only with "the release or withholding" of the records I seek.

However, I do know of some cases of special treatment and the possibility of embarrassment to you. There is no exemption appropriate to this situation.

I sincerely regret that you continue to try to use an Act intended to make information available as excuse for refusing to make it available. I also regret that the deceptions and misrepresentations of the past have not ended.

Sincerely,

Harold Weisberg